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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

OMAR MOHAMED

Plaintiff,

v.

CHECKR, INC,

Defendant.

Civil Action No. 3:18-cv-1097

**COMPLAINT FOR VIOLATION OF FAIR
CREDIT REPORTING ACT**

DEMAND FOR JURY TRIAL

PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer against Defendant Checkr, Inc. (hereafter “Checkr”) for violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681 et seq., as amended. Under the FCRA, “consumer reports” subject to the statute’s protections include not simply those used in establishing the consumer’s eligibility for credit, but also those used for “employment purposes.” 15 U.S.C. § 1681a(d)(1)(B).

1 2. Defendant Checkr, Inc. is a consumer reporting agency which
2 provides background and employment screening services, and decision-making
3 intelligence to prospective employers.

4 3. The FCRA was enacted “to insure that consumer reporting agencies
5 exercise their grave responsibilities with fairness, impartiality, and a respect for
6 the consumer’s right to privacy,” 15 U.S.C. § 1681(a)(4), by operating “in a
7 manner which is fair and equitable to the consumer, with regard to the
8 confidentiality, accuracy, relevancy” of the consumer information they
9 disseminate. 15 U.S.C. § 1681(b).

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11 **JURISDICTION AND VENUE**

12 4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28
13 U.S.C. § 1331.

14 5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

15 **PARTIES**

16 6. Plaintiff Omar Mohamed is an adult individual who resides in the
17 State of Ohio.

18 7. Defendant Checkr, Inc. is a consumer reporting agency which
19 provides background and employment screening services, risk-management
20 services and products, information management products and services, and
21 decisions-making intelligence. Checkr regularly conducts business in the
22 Northern District of California and has a principal place of business located at
23 2505 Mariposa Street, San Francisco, CA 94110.

24 **FACTUAL ALLEGATIONS**

25 8. Defendant has been reporting derogatory and inaccurate statements
26 and information relating to Plaintiff and Plaintiff’s background to third parties
27 (hereafter the “inaccurate information”).

1 9. The inaccurate information includes an inaccurate criminal history
2 labeling the Plaintiff as a convicted criminal, and personal identifying information.

3 10. Specifically, the inaccurate information includes, but is not limited to,
4 2009 and 2011 disorderly conduct convictions, which do not belong to Plaintiff,
5 but instead belong to another individual with the same or similar name as
6 Plaintiff's.

7 11. The inaccurate information negatively reflects upon the Plaintiff and
8 misidentifies Plaintiff as a person who has a criminal background. It appears that
9 Defendant, as a result of its unreasonable procedures, produced a consumer report
10 that identified Plaintiff as being convicted of disorderly conduct, because it mixed
11 his criminal history with that of another person.

12 12. Defendant has been reporting the inaccurate information through the
13 issuance of false and inaccurate background information and consumer reports that
14 it has disseminated to various persons and prospective employers, both known and
15 unknown.

16 13. Plaintiff has applied for and has been denied and delayed in
17 employment opportunities, including but not limited to, employment opportunities
18 through Grubhub in February 2018. Plaintiff was informed that the basis for the
19 adverse action against him was the inaccurate information that appears on
20 Plaintiff's consumer report with Defendant.

21 14. Defendant failed to follow reasonable procedures to assure the
22 maximum possible accuracy of the information it reported about Plaintiff. Had
23 Defendant followed such procedures it would not have falsely reported false
24 convictions on Plaintiff's consumer report.

25 15. As of result of Defendant's conduct, Plaintiff has suffered actual
26 damages in the form of lost employment opportunities, harm to reputation, and
27 emotional distress, including humiliation and embarrassment.

1 16. At all times pertinent hereto, Defendant was acting by and through its
2 agents, servants and/or employees who were acting within the course and scope of
3 their agency or employment, and under the direct supervision and control of the
4 Defendant herein.

5 17. At all times pertinent hereto, the conduct of the Defendant, as well as
6 that of its agents, servants and/or employees, was intentional, willful, reckless, and
7 in grossly negligent disregard for federal law and the rights of the Plaintiff herein.

8
9 **COUNT ONE – VIOLATIONS OF THE FCRA**

10 18. Plaintiff incorporates the foregoing paragraphs as though the same
11 were set forth at length herein.

12 19. At all times pertinent hereto, Defendant was a “person” and
13 “consumer reporting agency” as those terms are defined by 15 U.S.C. §§ 1681a(b)
14 and (f).

15 20. At all times pertinent hereto, the Plaintiff was a “consumer” as that
16 term is defined by 15 U.S.C. § 1681a(c).

17 21. At all times pertinent hereto, the above-mentioned background report
18 was a “consumer report” as that term is defined by 15 U.S.C. § 1681a(d).

19 22. Pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant is
20 liable to the Plaintiff for willfully and negligently failing to comply with the
21 requirements imposed on a consumer reporting agency of information pursuant to
22 15 U.S.C. § 1681e(b).

23 23. The conduct of Defendant was a direct and proximate cause, as well
24 as a substantial factor, in bringing about the serious injuries, actual damages and
25 harm to the Plaintiff that are outlined more fully above and, as a result, Defendant
26 is liable to the Plaintiff for the full amount of statutory, actual and punitive
27

1 damages, along with the attorneys' fees and the costs of litigation, as well as such
2 further relief, as may be permitted by law.

3 **JURY TRIAL DEMAND**

4 24. Plaintiff demands trial by jury on all issues so triable.

5 **PRAYER FOR RELIEF**


6 WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and
7 damages against the Defendant, based on the following requested relief:

- 8 (a) Actual damages;
9 (b) Statutory damages;
10 (c) Punitive damages;
11 (d) Costs and reasonable attorney's fees pursuant to 15 U.S.C. §§
12 1681n and 1681o; and
13 (e) Such other and further relief as may be necessary, just and
14 proper.

1 Dated: February 21, 2018

Respectfully submitted,

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